

AN ORDINANCE

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AN ORDINANCE TO AMEND ORDINANCES 94-O-1774, 95-O-0504 AND 00-O-1207 CONCERNING THE COMPLETION OF PROJECTS DESIGNATED AS PART OF THE 1994 BOND AND SEWER CAPITAL IMPROVEMENT PROJECTS; TO AMEND EXHIBIT "A" REFERENCED IN OR ATTACHED TO THOSE ORDINANCES TO INCLUDE CERTAIN ADDITIONAL COMBINED AND SANITARY SEWER CAPITAL IMPROVEMENT PROJECTS REQUIRED BY THE CONSENT DECREE (CSO) AND FIRST AMENDED CONSENT DECREE (SSO); AND FOR OTHER PURPOSES.

WHEREAS, Ordinance 94-O-1774, adopted by the Atlanta City Council on November 7, 1994, and approved by the Mayor on November 10, 1994, waived Section 5-5026 of the Procurement and Real Estate Code and authorized the Mayor, or his designee, to enter into contracts and to issue notices to proceed for various surveying, geotechnical, design, acquisition, inspection and related services needed to accomplish the list of infrastructure improvement projects ("collectively, the "1994 Public Improvement Program List") described on Exhibit "A" of that ordinance; a copy of Ordinance 94-O-1774 is attached as Exhibit 1; and

WHEREAS, subsequently, Ordinance 95-O-0504 amended Ordinance 94-O-1774 and authorized the Mayor or his designee, or the Purchasing agent, to negotiate with property owners to acquire necessary rights-of-way and temporary or permanent construction easements and other related property interests necessary to complete the 1994 Public Improvement Program List; a copy of Ordinance 95-O-0504 is attached as Exhibit 2; and

WHEREAS, subsequently, Ordinance 00-O-1207 further amended Ordinances 94-O-1774 and 95-O-0504 and authorized the City Attorney to proceed with declarations of taking as a method of condemnation, as authorized by O.C.G.A. Sections 22-3-140 and 32-3-4, for the construction and completion of the 1994 Public Improvement Program List, and to institute condemnation proceedings pursuant to the declarations of taking to acquire title to rights-of-way, easements, and other related property interests necessary for those projects; a copy of Ordinance 00-O-1207 is attached as Exhibit 3; and

WHEREAS, The City is required by the Consent Decree (CSO) and First Amended Consent Decree (SSO) to construct additional combined and sanitary sewer capital improvement projects; and

WHEREAS, The City is also required by the First Amended Consent Decree to conduct a Sanitary Sewer System Evaluation (SSES) of its entire combined and sanitary sewer system and make necessary improvements to eliminate sewer system overflows; and

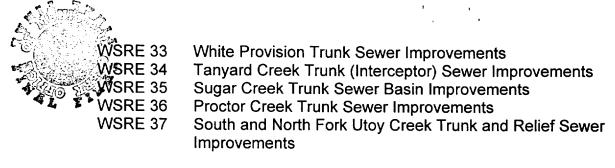
WHEREAS, The City is further required by the First Amended Consent Decree to conduct SSES studies of its combined and sanitary sewer system by organizing the system into 6 distinct sewer groups; and

WHEREAS, it has been determined to be desirable and in the best interests of the City to amend the 1994 Public Improvement Program Project List to include these additional projects and activities associated with improvements to the City's sewer system, which are expected to require the acquisition of additional property rights on behalf of the City to implement, as required by the Consent Decree (CSO) and First Amended Consent Decree (SSO).

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That the 1994 Public Improvement Program List attached Exhibit "A" to Ordinance 94-O-1774 and Ordinance 95-O-0504, and further addressed in Ordinance 00-O-1207, is amended to include the following projects:

WSRE 16 WSRE 17	Veterans Hospital Trunk Sewer Improvement Project Indian Creek/Highland Trunk Sewer Improvement Project
WSRE 18	Rivers Road Sewer Rehabilitation Project
WSRE 19	Sewer Group 1 Sanitary Sewer Evaluation Study Project
WSRE 20	Sewer Group 2 Sanitary Sewer Evaluation Study Project
WSRE 21	Sewer Group 3 Sanitary Sewer Evaluation Study Project
WSRE 22	Sewer Group 4 Sanitary Sewer Evaluation Study Project
WSRE 23	Sewer Group 5 Sanitary Sewer Evaluation Study Project
WSRE 24	Sewer Group 6 Sanitary Sewer Evaluation Study Project
WSRE 25	Nancy Creek Tunnel Project
WSRE 26	Orme Street/Tanyard Creek Interceptor Sewer Improvement Project
WSRE 27	Stockade Trunk Sewer Improvements Project
WSRE 28	East Side Combined Sewer System Improvements
WSRE 29	West Side Combined Sewer System Improvements
WSRE 30	Proctor/Sandy Creek Force Main and Outfall Sewer Improvements
WSRE 31	Sewer System Rights-of-Way Access and Maintenance (Citywide)
WSRE 32	Flint River Pump Station, Force Main and Outfall Sewer
	Improvements



Section 2: That the waivers and authorizations set forth in Ordinance 94-O-1774, Ordinance 95-O-0504 and Ordinance 00-O-1207 will apply to the additional projects set forth on the amended 1994 Public Improvement Program List.

Section 3: That costs associated with this Ordinance and the additional projects set forth on the amended 1994 Public Improvements Program List will be charged to and paid from the appropriate accounts and centers of Funds 2J21, 2J24, 2J25, 2J26 as previously approved by the City Council in Ordinance 95-O-0504 and future Water and Sewer bond funds.

Section 4: That, except as amended by this Ordinance, Ordinance 94-O-1774, Ordinance 95-O-0504 and Ordinance 00-O-1207 remain unchanged and of full force and effect.

A true copy, Heanda Daughin Johnson Municipal Clerk, CMO

ADOPTED by the Council APPROVED by the Mayor

SEP 04, 2001 SEP 11, 2001

Atlanta City Council

Regular Session

01-0-1118 Amend 94-0-1774; 95-0-0504 & 00-0-1207 to include CSO & SSO required projects ADOPT

YEAS: 13
NAYS: 1
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

Y McCarty NV Dorsey Y Moore Y Thomas Y Starnes Y Woolard Y Martin Y Emmons Y Bond N Morris Y Maddox Y Alexander Y Winslow Y Muller Y Boazman NV Pitts



MUNICIPAL CLERK ATLANTA, GEORGIA

AN AMENDED SUBSTITUTE ORDINANCE BY FINANCE COMMITTEE

94-0-1774

AN AMENDED SUBSTITUTE ORDINANCE TO AN ORDINANCE BY CITY UTILITIES, HUMAN RESOURCES, EXECUTIVE, AND FINANCE COMMITTEES TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACTS FOR VARIOUS SERVICES IN ORDER TO COMPLETE PROJECTS DESIGNATED AS PART OF THE 1994 BOND AND SEWER CAPITAL IMPROVEMENTS PROJECT; TO WAIVE SECTION 5-5026 OF THE CODE OF ORDINANCES; TO AMEND THE 1994 G.O. BOND FUND BUDGET; TO AMEND THE 1994 (WATER AND SEWERAGE 1993 CONSTRUCTION FUND) BUDGET; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, on July 19, 1994, the citizens of the City of Atlanta overwhelmingly approved the issuance of \$150,000,000 of general obligation public improvement bonds for the undertaking of infrastructure improvement projects; and

WHEREAS, the City Council adopted Resolution 94-R-0894 on May 16, 1994, which listed the capital projects that the Council and Mayor intended to be financed by the previously mentioned bonds; and

WHEREAS, the City Council has previously approved certain sanitary and combined sewer improvements to be done as a part of the Comprehensive Development Plan (CDP) and the Capital Improvement Plan (CIP) and has authorized funding of projects from previously authorized water/sewer revenue bond issues; and

WHEREAS, the City Council and the Mayor wish to facilitate the implementation of these projects, particularly those that must be completed before the 1996 Olympic Games, and wish to accelerate the bidding and awarding of contracts in order to procure appropriate services for the rapid implementation of the identified projects; and

WHEREAS, the Department of Public Works is in the process of implementing a major sewer rehabilitation and construction program;

WHEREAS, the Mayor has recommended the use of the "Program Management" concept to accomplish the most efficient delivery of design and construction services for the identified projects, and thus, is in the best interests of the City; and



WHEREAS, the Mayor will dedicate full-time purchasing officers and contract compliance specialists to the staff of the program managers for the purpose of ensuring the consistent implementation of the City's competitive procurement process, equal employment opportunity requirements, "First Source" jobs ordinance, and the Equal Business Opportunity Program; and

WHEREAS, the Mayor will dedicate a financial analyst/auditor to the staff of the program managers for the purpose of conducting contract progress analysis and assisting in financial documentation; and

WHEREAS, prices in the local construction market have escalated in recent months and market conditions are expected to continue to tighten as the 1996 Olympic Games approach, thereby making construction, labor and materials more expensive; and

WHEREAS, it is necessary to allocate funds to the appropriate accounts to cover the cost of design, program management, insurance and construction; and

WHEREAS, in recognition of these factors, and in view of the fact that the City Council and Mayor wish to develop streamline processes in order to facilitate the rapid implementation of the aforementioned projects which will be of the greatest benefit to the City:

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

SECTION ONE:

That the Mayor or his designee is authorized to enter into contracts for various surveying, geotechnical, design, acquisition, inspection, and related services needed to accomplish the list of projects described by Exhibit "A".

SECTION TWO:

That this ordinance shall authorize the Mayor to issue Notices to Proceed at the appropriate times for various surveying, geotechnical, design, acquisition, inspection, and related services needed to accomplish the attached lists of projects.

SECTION THREE:

That contract solicitations and awards for all surveying, geotechnical, design, acquisition, construction, inspection, and related services needed to accomplish the attached lists of projects shall be awarded pursuant to all relevant provisions of Part 5, Chapter 5 of the Code of Ordinances.

1

SECTION

SECTION FOUR:

That contracts for various surveying, geotechnical, design, acquisition, construction, inspection, and related services needed to accomplish the attached lists of projects shall all be awarded and administered pursuant to Part 5, Chapter 5, Articles L and M of the Code of Ordinances, i.e. the Equal Employment Opportunity and Equal Business Opportunity Program.

SECTION FIVE:

That contracts for various surveying, geotechnical, design, acquisition, construction, inspection, and related services needed to accomplish the attached lists of projects shall all be administered pursuant to Part 5, Chapter 8 of the Code of Ordinances, i.e. First Source Jobs Policy.

SECTION SIX:

That the requirements of City Code Section 5-5026 are waived for contracts described in Section 1 and 2 of this Ordinance, but not those projects described in any other Section of this Ordinance, including but not limited to Sections 10 and 11.

SECTION SEVEN:

That the combined amount for all projects in any category, i.e. "roads and bridges", shall not exceed the total dollar amount approved in the July 1994 referendum.

SECTION EIGHT:

That in the event the combined amount for all contractual services needed for any one of the listed projects exceeds by 15% the original estimated amount, change orders and/or contract amendments shall be approved by the Atlanta City Council.

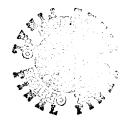
SECTION NINE:

That on a monthly basis the Mayor or his designee shall provide a detailed report to the City Council of all contracting activities carried out as part of the capital improvement projects authorized by this legislation, to include the following information:

- Contract Awards
- Projected vs. Actual Costs
- EBO goals vs. Actual EBO Participation
- Project Status (including design details and community participation activity)
- First Source Participation

SECTION TEN:

That all construction contracts for the projects on the attached list must be approved by the City Council. Any contractual arrangements and notices to proceed other than for the capital improvement projects on the attached list must be approved by the City Council.



SECTION ELEVEN:

That the Council shall consider all contracts for construction of projects on the attached list, and all change orders or contract amendments for said contracts for which the Purchasing Code provides for Council action, with an expedited process for approval. Said expedited process shall utilize the Committee of the Whole, Special Council Meetings, staff cooperation, and any other reasonable process so that within ten business days after the Mayor has given written notice via resolution to a committee or to the Council as a whole that the project(s) is ready to proceed, Council must take action on those projects which are ready to proceed, or waive its right to do so.

SECTION TWELVE:

That up to 10% of the contracts for projects on the attached list

will be audited upon completion of the performance of the work.

SECTION THIRTEEN:

That the 1994 (G.O. Public Improvement Bond Fund) Budget be

and is hereby amended as follows:

TRANSFER FROM APPROPRIATIONS

1C33 7740	01 M22F041692B.	A Spring Street Viaduct	\$2,765,621.00
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TRANSFER TO APPROPRIATIONS

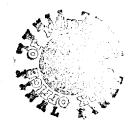
1C33 724001	M22F016192BA	Program Management	\$ 915,256.00
IC33 72400I	M24I014892BB	Program Management	1,671,779.00
1C33 724001	M22I017792BC	Program Management	<u> 178.586.00</u>
			\$2,765,621,00

SECTION FOURTEEN: That The 1994 (Water And Sewerage 1993 Construction Fund)

Budget be amended as follows:

TRANSFER FROM APPROPRIATIONS

2J24	774001	M24I02419999	Facil. Other than Bldgs.	\$10,590,376.00
2J24	774001	M58121039999	Facil. Other than Bldgs.	20.400.650.00
			•	\$30,991,026.00



TRANSFER TO APPROPRIATIONS

2J24 2J24 2J24 2J24 2J24 2J24	724001 729007 724001 729007 724001 729007	M24I02499999 M24I02499999 M24I02509999 M24I02509999 M24I02169999 M24I02169999	Consultant/Prof. Services Insurance Expense Consultant/Prof. Services Insurance Expense Consultant/Prof. Services Insurance Expense Insurance Expense Expense	\$ 700,551.00 742,000.00 764,625.00 812,000.00 956,850.00 1,015,000.00
,	774007	M24I02169999	Facil Other than Bldgs.	 26.000.000.00 0,991,026.00

SECTION FIFTEEN:

That the 1994 (G.O. Public Improvement Bond Fund) be and is hereby amended as follows:

TRANSFER FROM APPROPRIATIONS

Bridges, Viaducts and Streets

1C33	7****	M22F041492BA	Hollywood Road Bridge	\$ 51,100.00
	7****	M22F041592BA	Montgpmery Ferry Bridge	28,420.00
	7****	M22F041692BA	Spring Street Viaduct	1,383,898.00
	7****	M22F040592BA	Lakewood Avenue Bridge	74,550.00
	7****	M22F040992BA	Brownlee Road Bridge	24,850.00
	7****	M22F041892BA	Tell Bridge Road	23,330.00
1C33	7****	M22F041992BA	Macon Drive Bridge	22,330.00
	7*****	M22F013092BA	Greenbriar Parkway Reconstruction	70,980.00
	7****	M22F013192BA	Campbellton Rd. Widening Phase II	
	7****	M22F013892BA	Glenwood Avenue	14,210.00
	7****	M22G020792BA	Freeway Lighting (Phases II-IV)	193,690.00
	7****	M22F015592BA	MLK/Fairburn Road	14,210.00
	7****	M22F012992BA	Roxboro Road Widening	99,365.00
	7****	M22F041392BA	Mitchell Street	139,104.00
	7****	M22F041792BA	Wall Street	46,130.00
1C33	7****	M22F042092BA	Stone Road Bridge	2,695.00
1C33	7****	M22F02029BA	Hill Street Concrete Plant	2,485.00



Stormwater Drainage Facilities

1C33	7****	M24I013292BB	Terrel Creek Phase III Storn Sewer	\$3,850.00
1C33	7****	M24I013392BB	Terrel Creek Phase IV Storn Sewer	\$3,850.00
1C33	7****	M24I013494BB	Thomasville Heights Storm Sewer	27,160.00
IC33	7****	M24I013592BB	Branch Drive Stream Bank	3,920.00
1C33	7****	M24I013692BB	Holly Wright Neighborhood Storn	4,620.00
1C33	7****	M24I013792BB	Calvert Lane NE Storm Sewer	1,960.00
1C33	7****	M24I013892BB	Charline Ave. Storm Sewer	8,960.00
1C33	7****	M24I013992BB	Mt. Gilead Road Culvert	6,650.00
1C33	7****	M24I014092BB	Pharr Rd NE Storm Sewer	4,340.00
1C33	7****	M24I014192BB	W. Wieuca Rd. Storn Sewer	3,850.00
1C33	7****	M24I014292BB	Winall Down Road Storm Sewer	28,000.00
1C33	7****	M24I014392BB	Greenview Ave. NE Storn Sewer	3,640.00
1C33	7****	M24I014492BB	Storn Sewer CDIA	45,500.00
1C33	7****	M24I017292BB	S'hill/P'town/M'ville/V.C. Drainage	280,000.00
IC33	7****	M24I012492BB	Federal Prison Creek	21,000.00
1C33	7****	M24I012592BB	Proctor Creek Basin	25,200.00
	7****	M24I012692BB	Indian Creek	40,600.00
1C33	7****	M24I012792BB	Nancy Creek	26,600.00
1C33	7****	M24I011292BB	Proctor Creek-Streambank	25,200.00
1C33	7****	M24I011092BB	Terrel Creek Sewer	14,000.00
1C33	7****	M24I012892BB	Utoy Creek Streambank	27,300.00
1C33	7****	M24I012992BB	Peachtree Crek Drainage Basin	92,400.00
1C33	7****	M24I013092BB	Peachtree Creek Streambank Prot.	20,300.00
1C33	7****	M24I013192BB	Utoy Creek Drainage Basin	27,300.00
1C33	7****	M24I014592BB	South River Drainage Basin	14,000.00
1C33	7****	M24I014692BB	Sugar Creek Drainage Basin	7,000.00
			-	

Erosion and Flood Control

1C33	7****	M221030192BC	English Park	\$29,260.00
1C33	7****	M22I030292BC	Bitsy Grant Park	25,060.00
	7****	M22I030392BC	Wesley Coan Park	12,530.00
	7****	M22I030492BC	Cleveland Avenue Park	4,200.00
1C33	7****	M22I030592BC	Brownwood Ave. Park	21,000.00
1C33		M22I030892BC	Winn Park	21,000.00
1C33	7****	M22I030992BC	Candler Park	21,000.00
1C33	7****	M22I031092BC	Garden Hills Park	8,330.00
	7****	M22I031192BC	Frankie Allen Park	20,930.00
1C33		M22I031292BC	Adams Park	83,650.00
1C33	7****	M22I031392BC	Perkerson Park	21,000.00



1C33 7***** 1C33 7***** 1C33 7***** 1C33 7*****	M22I031492BC M22I031592BC M22I031692BC M22I030692BC M22I030792BC	Isabel Gates Webster Park Ben Hill Park Oakland Cemetary Wall Grant Park Piedmont Park	5,040.00 4,200.00 209,020.00 31,300.00 <u>62,716.00</u>
		Total	\$ 3,785,513.00
	TRANSFER	TO APPROPRIATIONS	
1C33 7****	M22F016292AB	Insurance Program (OCIP)	\$ 2,438,777.00
1C33 7*****	M24I014992BB	Insurance Program (OCIP)	766,500.00
1C33 7*****	M22I031892BC	Insurance Program (OCIP)	580.236.00
		Total	\$ 3,785,513.00

SECTION SIXTEEN:

That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

A true copy,

ADOPTED as amended APPROVED by the Mayor Deputy Clerk, OMC

November 07, 1994 November 10, 1994



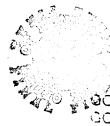
1994 Public Improvement Program List

STREETS AND BRIDGES

30-0:	Mitchell Street Viaduct Over CSX & Norfolk-Southern Railroads
CO-02	Hollywood Road Bridge Over Proctor Creek
<u> 30-03</u>	Montgomery Ferry Road Bridge Over Norfolk-Southern Railroad
30-94	spring Street Viaduct Over CSX & Norfolk-Southern Railroads
00-05	Lakewood Avenue Bridge Over Norfolk-Southern Railroad
©©-06	Wall Street Viaduct Over Lower Wall Street
CO-07	Browniee Road Bridge Over Utoy Creek
GO-08	Teil Road Bridge Over Camp Creek Tributary
CO-09	Macon Drive Bridge Over South River
GO-10	Stone Road Bridge Over North Fork Camp Creek
GO-37	Roxboro Road Widening
GO-38	Greenbrian Parkway Reconstruction
GO-39 GO-45	Campbellton Road Widening, Phase I
GO- ∔ 6	Bankhead Highway Widening
GO-47	Glenwood Avenue Relocation
GO-48	Howell Mill Road Widening
GO-50	Northside Drive Intersection Improvements
GO-30	Freeway Lighting, Phases II - IV
GO-52	Mechanicsville Streets
GO-53	Peoplestown Streets
	Atlanta University Streets
GO-54	Butler Street & Auburn Avenue Streets
GO-55	Vine City & Ashby Street Streets
GO-36	Summerhill Streets
GO-57	Old Fourth Ward Streets
00-58	Pittsburgh Streets
GO-59	Castleberry Hill Streets
GO-60	Washington Park Streets
GO-61	English Avenue Streets
GO-62	Ashview Heights Streets
GO-63	Home Park Streets
GO-6 ∔	Adair Park Streets
GO- 65	MLK/Fairburn Road Realignment
GO-66	Hill Street Concrete Plant

STORMWATER DRAINAGE FACILITIES

Federal Prison Creek Drainage Improvements
Proctor Creek Basin Improvements
Indian Creek Drainage Improvements
Nancy Creek Streambank Protection
Proctor Creek - Streambank Protection



1994 Public Improvement Program List

. J0O-16	Terrel Creek Storm Sewer Improvements
GO-17	Utoy Creek Streambank Protection
CO-18	Peachtree Creek Drainage Improvements
GO-19	Peachtree Creek Streambank Protection
೦೦-20	Utoy Creek Drainage Basın Improvements
JC-21	Terrel Creek Phase III Storm Sewer
CO-22	Terrel Creek Phase IV Storm Sewer
GO-23	Thomasville Heights Storm Sewer
GO-24	Branch Drive Streambank Protection
GO-2 5	Holly Wright Neighborhood Storm Drainage
GO-2 6	Caivert Lane NE Storm Sewer
GO-27	Charline Avenue Storm Sewer
GO-28	Mount Gilead Road Culvert
GO-29	Pharr Road NE Storm Sewer
GO-30	West Wieuca Road Storm Sewer
GO-31	Winall Down Road Storm Sewer
GO-32	Greenview Avenue NE Storm Sewer
GO-33	Storm Sewer CDIA
GO-34	South River Drainage Basin Improvements
GO-35	Sugar Creek Drainage Basin Improvements
GO-36	Summerhill, Peoplestown/Mechanicsville/Vine City Drainage
	Improvements

EROSION AND FLOOD CONTROL

GO-67	English Park Erosion & Flood Control
GO-68	Bitsy Grant Tennis Center Erosion & Flood Control
GO-69	Wesley Coan Park Erosion & Flood Control
GO-70	Cleveland Avenue Park Erosion & Flood Control
GO-71	Brownwood Park Erosion & Flood Control
GO-72	Grant Park Erosion & Flood Control
GO-73	Piedmont Park Erosion & Flood Control
GO-74	Winn Park Erosion & Flood Control
G O-75	Candler Park Erosion & Flood Control
G O-76	Garden Hills Park Erosion & Flood Control
GO-77	Frankie Allen Park Erosion & Flood Control
G O-78	Adams Park Erosion & Flood Control
GO-79	Perkerson Park Erosion & Flood Control
GO-80	Isabel Gates Webster Park Erosion & Flood Control
GO-81	Ben Hill Park Erosion & Flood Control
GO-82	Oakland Cemetery Wall Collapse



SEWER SYSTEM IMPROVEMENTS

WSRE 1	North Fork Peachtree Trunk
WSRE 2	South Fork Peachtree Trunk
WSRE 3	Orme Street Trunk Relief Phases I, II, III & IV
WSRE 4	Peachtree Interceptor Sanitary Sewer
WSRE 5	Lloyd Street Trunk Sewer
WSRE 6	Shadowlawn Basin Sewer Replacements
WSRE 7	Fairmont/Glidden CSO
WSRE 8	Brotherton Trunk Replacement
WSRE 9	Butler Street Trunk Reconstruction
WSRE 10	Mineral Springs Trunk Sewer
WSRE 11	Pine Meadows Sewer Reconstruction
WSRE 12	Nancy Creek Force Main
WSRE 13	Tenth Street Trunk Sewers - SSES
WSRE 14	Atlantic Steel Sewer
WSRE 15	Utoy Creek Basin, Combined Sewer Separation

EXHIBIT 1 (11/7/94 Amendment)

RCS# 3419 11/7/94 4:23 PM

ATLANTA CITY COUNCIL

First Regular Session

94-0-1774

1994 BOND AND SEWER CAPITAL IMPROV. PROJECTS

Adopt

YEAS: 11 NAYS: 0 ABSTENTIONS: 0 NOT VOTING: 8

Y	MCCARTY	Y	JOHNSON	NV	SAMPLES	NV	PITTS	NV	ALEXANDER	D.
Y	STARNES	Y	DAVIS, M	NV	MARTIN	NV	BANKS	Y	ALEXANDER	P.
NV	BOND	Y	MORRIS	Y	MADDOX	Y	BROWN	NV	ARRINGTON	
Y	WINSLOW	NV	MULLER	Y	TINUBU	Y	ASHER			

COUNCIL ACTION Znd 1st & 2nd 3rd Readings	□Consent □V Vote DAC Vote		COUNCIL PRESIDENT PRO TEMPORE	O ERTIFIE -	5)	MUNICIPAL STANDS OF COUNCIL.	MAYOR'S ACTION	Nov Class
A / The s	EXECUTION Delay	(Fay Adv, Held (see rev. side) Other: Other: Medibers	the the more	Fefer To	Cornerstites J. W. Marce 11-3-9-1	Action: Fav, Adv, Heid (see rev. side) Other:	ON Sub GSanember	De la continuada de la
Committee (17) (14) Date Chair (14) Chair (14)	Chy Milital 10/9/94	Fav, Adv, Held (see rev. side) Other: Members	Jemola Mar dans	HPET. Musue	Committee Mean on Reserves: Date	Action: Fav, Adv, Held (see rev. side) Other:	Mombora 1265	The Action of the
10 (Do Not Write Above This Line) 26	AN OKULNANCE BY: AN ORDINANCE BY CITY UTILITIES, HUMAN RESOURCES, EXECUTIVE, AND FINANCE COMMITTEES	ENTER INTO CONTRACTS FOR VARIOUS SERVICES IN ORDER TO COMPLETE PRO- JECTS DESIGNATED AS PART OF THE 1994 BOND AND SEWER CAPITAL IMPROVEMENTS PROGRAM TO REPEAL CONFLICTING			ADCPTED BY	COUNCIL.	CANSENT REFER D REGULAR REPORT REFER D ADVERTISE & REFER 1 124 ADOPT 2nd READ & REFER	Date Referred 10/17/94 Referred To: City Ut. Lities Executing



MUNICIPAL CLERK ATLANTA. GEORGIA

BY: COUNCILMEMBER CLAIR MULLER

95- 0 -0504

AN ORDINANCE TO AMEND ORDINANCE NO. 94-0-1774 CONCERNING THE COMPLETION OF PROJECTS DESIGNATED AS PART OF THE 1994 BOND AND SEWER CAPITAL IMPROVEMENTS PROJECTS; TO WAIVE FURTHER PROVISIONS OF THE PROCUREMENT AND REAL ESTATE CODE OF THE CITY OF ATLANTA, PART 5, CHAPTER 5, SECTIONS 5-5202, 5-5211, 5-5212 AND 5-5215 OF ARTICLE O AND ARTICLE P, REGARDING REAL ESTATE ACQUISITIONS AND FURTHER AUTHORIZATION OF COUNCIL FOR CONDEMNATION PROCEEDINGS; TO AUTHORIZE TIMELY ACQUISITION OF TEMPORARY AND PERMANENT EASEMENTS FOR THE PURPOSE OF CONSTRUCTING INFRASTRUCTURE IMPROVEMENTS; TO AUTHORIZE THE MAYOR AND THE PURCHASING AGENT TO NEGOTIATE WITH AFFECTED PROPERTY OWNERS AND TO USE ALL MEANS NECESSARY TO ACQUIRE NECESSARY RIGHTS-OF-WAY, EASEMENTS AND OTHER RELATED PROPERTY INTERESTS, UP TO AND INCLUDING CONDEMNATION PROCEEDINGS; TO AUTHORIZE THE CITY ATTORNEY, OR HIS DESIGNEE, TO INSTITUTE CONDEMNATION PROCEEDINGS PURSUANT TO THE DECLARATION OF TAKING METHOD AUTHORIZED BY O.C.G.A. SECTION 32-3-4, TO ACQUIRE TITLE TO RIGHTS-OF-WAY, EASEMENTS AND OTHER RELATED PROPERTY INTERESTS NECESSARY TO COMPLETE THE INFRASTRUCTURE IMPROVEMENT PROJECTS; TO AUTHORIZE THE CITY ATTORNEY TO USE THE SERVICES OF OUTSIDE COUNSEL, WHERE NECESSARY, TO HANDLE CONDEMNATION CASES; AND FOR OTHER PURPOSES.

WHEREAS, an ordinance adopted by the Atlanta City Council on November 7, 1994, and approved by the Mayor on November 10, 1994, ("Ordinance number 94-0-1774") authorized the waiver of Section 5-5026 of the Procurement and Real Estate Code of the City to authorize the Mayor, or his designee, to enter into contracts for various surveying, geotechnical, design, acquisition, inspection and related services needed to accomplish the list of infrastructure improvement projects described by Exhibit "A" of said ordinance, a copy of which is attached hereto and made a part hereof; and

WHEREAS, Ordinance number 94-0-1774 authorized the Mayor to issue Notices to Proceed at the appropriate times for various surveying, geotechnical design, acquisition, inspection and related services needed to accomplish the list of projects; and

WHEREAS, by Resolution adopted by the Council on November 7, 1994, and approved by the Mayor on November 10, 1994, the Mayor was authorized to execute a contract with Gaston-Thacker/OLH International, a joint venture, ("the Consultant") for FC-5892-94-A, for program management for the 1994 Public Improvement Program ("the Contract"); and

WHEREAS, pursuant to the said Contract, the Consultant, in coordination with the City and two other Co-Program Managers, O'Brien-Kreitzberg/ H. J. Russell Company, a joint venture, and Heery/ Mitchell, a joint venture, has the responsibility for all right-of-way acquisitions and easements for the infrastructure improvement projects previously approved by the City Council other than final acquisition of property interests which must be acquired by the exercise of eminent domain; and

WHEREAS, many of the streets and areas proposed for sewer system improvements for the infrastructure project pass beneath or are adjacent to hundreds of businesses and residential properties; and

WHEREAS, the acquisition of property interests for said infrastructure improvement projects on an expedited basis has been deemed vital;

WHEREAS, state law, O.C.G.A. Section 32-3-4, authorizes the use of declarations of taking as a method of condemnation whenever a municipality desires to take private property for public road purposes or for any other public transportation purposes; and

WHEREAS, use of declarations of taking as a method of condemnation would expedite the acquisition of title and possession of property interests necessary for the timely completion of the infrastructure projects which involve public road purposes or public transportation purposes; and

WHEREAS, state law requires a finding by a municipality that circumstances necessitate the use of declarations of taking before such method of condemnation can be used by a municipal government; and

WHEREAS, in order to acquire the necessary property interests, to complete the proposed infrastructure improvements in a timely fashion, and to expedite the condemnations process, it is also necessary to waive additional provisions in Articles O and P of the Procurement and Real Estate Code, Part 5, Chapter 5 of the Atlanta Code of Ordinances regarding acquisitions;



NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That the Mayor, his designee, or the Purchasing Agent, are hereby authorized to negotiate with the affected property owners to acquire the necessary rights-of-way and temporary or permanent construction easements and other related property interests necessary to complete the infrastructure projects previously approved by the City Council in Ordinance number 94-0-1774, adopted by the Council on November 7, 1994, and approved by the Mayor on November 10, 1994, a copy of said list of projects being attached hereto and incorporated herein by this reference as Exhibit "A."

Section 2: That the requirements of City Code Sections 5-5202, 5-5211 and 5-5215 of Articles O and P of the Procurement and Real Estate Code, are waived for all infrastructure improvement projects previously approved by the City Council in Ordinance number 94-0-1774 and described in this ordinance, Exhibit "A." The Purchasing Agent shall be authorized to make purchases of property on behalf of the City without further authorization of City Council.

Section 3: That the purchasing Agent is hereby authorized to obtain appraisals and to establish estimates of just compensation based thereon to be offered property owners in connection with the infrastructure improvement projects to provide reasonable compensation.

Section 4: That the City's outside Consultants and their subconsultants are authorized to settle those acquisitions of property at an amount not to exceed ten percent (10%) above the estimated just compensation. The outside Consultants and their subconsultants are authorized to offer an amount not to exceed \$250.00 more than the estimated just compensation in cases where the estimated just compensation is less than \$2,500.00. That the Purchasing Agent is authorized to administratively settle, without further authorization of City Council, those acquisitions which exceed these limitations which the City's Consultants cannot otherwise acquire. However, in no event shall the Purchasing Agent's authority to administratively negotiate or settle such acquisitions without Council authorization exceed: (a) 20% above the estimated just compensation of affected properties; or (b) \$500.00 in those cases where the estimated just compensation is less than \$2,500.00, or whichever is greater.

Section 5: That if negotiations with affected property owners are successful, the Mayor, his designee or the Purchasing Agent are authorized to accept and execute options with such owners at the agreed price on behalf of the City for the purchase of rights-of-way, easements and other property interests in connection with the infrastructure improvement projects without further authorization from City Council.

Section 6: That the City Attorney, or his designee, is authorized to monitor

and supervise the closing transactions with affected property owners in connection with the infrastructure improvement projects, with the assistance of the Consultant and its subconsultants.

Section 7: That if the affected property owners reject the options, and negotiations fail with such owners, the Mayor or his designee, with the assistance of the City Attorney, or his designee, is authorized to use all means necessary and within his power, up to and including condemnation, to acquire the necessary rights-of-way, easements and other related property interests, without further authorization from City Council. The provisions of Section 5-5212 requiring further authorization for condemnations are hereby waived.

Section 8: That a finding is hereby made that circumstances are such that it is necessary to proceed with the declarations of taking as a method of condemnation, as authorized by O.C.G.A. Section 32-3-4, for the construction and completion of the infrastructure improvement projects listed in Exhibit "A" hereto and previously approved by the City Council and which involve public road purposes or public transportation purposes; that the City Attorney, or his designee, is hereby authorized to institute condemnation proceedings pursuant to this declaration of taking method authorized by O.C.G.A. Section 32-3-4, to acquire title to rights-of-taking method authorized by O.C.G.A. Section 32-3-4, to acquire title to rights-of-taking method authorized by O.C.G.A. Section 32-3-4, to acquire title to rights-of-taking method authorized by O.C.G.A. Section 32-3-4, to acquire title to rights-of-taking method authorized by O.C.G.A. Section 32-3-4, to acquire title to rights-of-taking method authorized by O.C.G.A. Section 32-3-4, to acquire title to rights-of-taking method authorized by O.C.G.A. Section 32-3-4, to acquire title to rights-of-taking method authorized by O.C.G.A. Section 32-3-4, to acquire title to rights-of-taking method authorized by O.C.G.A. Section 32-3-4, to acquire title to rights-of-taking method authorized by O.C.G.A. Section 32-3-4, to acquire title to rights-of-taking method authorized by O.C.G.A. Section 32-3-4, to acquire title to rights-of-taking method authorized by O.C.G.A. Section 32-3-4, to acquire title to rights-of-taking method authorized by O.C.G.A. Section 32-3-4, to acquire title to rights-of-taking method authorized by O.C.G.A. Section 32-3-4, to acquire title to rights-of-taking method authorized by O.C.G.A. Section 32-3-4, to acquire title to rights-of-taking method authorized by O.C.G.A. Section 32-3-4, to acquire title to rights-of-taking method authorized by O.C.G.A. Section 32-3-4, to acquire title to rights-of-taking method authorized by O.C.G.A.

Section 9: That the City Attorney is authorized to engage the services of outside counsel, where necessary, to handle condemnation proceedings, without further authorization from City Council.

Section 10: That given the narrow window of opportunity to accomplish the necessary acquisitions and construction, the Mayor, his designee, and all the appropriate City of Atlanta departments are urged to incorporate flexibility, and to act expeditiously in accomplishing the necessary activities, up to and including contracting with outside firms and organizations, to assist in achieving the overall goals and objectives of the infrastructure improvement projects.

Section 11: That costs associated with this ordinance shall be charged to and paid from the appropriate Fund, Account, and Center.

Section 12: That all other parts of Ordinance Number 94-0-1774, adopted by the Council on November 7, 1994 and approved by the Mayor on November 10, 1994 shall remain unchanged by this amendment.

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ADOPTED as amended APPROVED by the Mayor

June 19, 1995 June 25, 1995

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1994 Public Improvement Program List 🕔

STREETS AND BRIDGES

20-01	Mitchell Street Viaduct Over CSX & Norfolk-Southern Railroads
CO-02	Hollywood Road Bridge Over Proctor Creek
GO-03	Monigomery Ferry Road Bridge Over Norfolk-Southern Railroad
JO:04	Spring Street Viaduct Over CSX & Norfolk-Southern Railroads
GO-05	Lakewood Avenue Bridge Over Norfolk-Southern Railroad
CO-06	Wall Street Viaduct Over Lower Wall Street
CO-07	Brownlee Road Bridge Over Utoy Creek
GO-03	Tell Road Bridge Over Camp Creek Tributary
GO-09	Macon Drive Bridge Over South River
GO-10	Stone Road Bridge Over North Fork Camp Creek
GO-37	Roxboro Road Widening
GO-38	Greenbriar Parkway Reconstruction
GO-39	Campbellton Road Widening, Phase I
GO-45	Bankhead Highway Widening
GO- ÷ 6	Glenwood Avenue Relocation
GO-47	Howell Mill Road Widening
GO-÷8	Northside Drive Intersection Improvements
GO-50	Freeway Lighting, Phases II - IV
GO-51	Mechanicsville Streets
GO-32	Peoplestown Streets
GO-53	Atlanta University Streets
GO-54	Butler Street & Auburn Avenue Streets
GQ-55	Vine City & Ashby Street Streets
GO-36	Summerhill Streets
GO- 5 7	Old Fourth Ward Streets
JO-58	Pittsburgh Streets
GO-59	Castleberry Hill Streets
GO-60	Washington Park Streets
GO-61	English Avenue Streets
GO-62	Ashview Heights Streets
GO-63	Home Park Streets
GO-6+	Adair Park Streets
GO-65	MLK/Fairburn Road Realignment
GO-66	Hill Street Concrete Plant
JU-00	1111 Dates Comments 1

STORMWATER DRAINAGE FACILITIES

GO-11	Federal Prison Creek Drainage Improvements
GO-12	Proctor Creek Basin Improvements
GO-13	Indian Creek Drainage Improvements
GO-14	Nancy Creek Streambank Protection
GO-15	Proctor Creek - Streambank Protection

1994 Public Improvement Program List

Terrel Creek Storm Sewer Improvements
Utoy Creek Streambank Protection
Peachtree Creek Drainage Improvements
Peachtree Creek Streambank Protection
Utoy Creek Drainage Basin Improvements
Terrel Creek Phase III Storm Sewer
Terrel Creek Phase IV Storm Sewer
Thomasville Heights Storm Sewer
Branch Drive Streambank Protection
Holly Wright Neighborhood Storm Drainage
Caivert Lane NE Storm Sewer
Charline Avenue Storm Sewer
Mount Gilead Road Culvert
Pharr Road NE Storm Sewer
West Wieuca Road Storm Sewer
Winall Down Road Storm Sewer
Greenview Avenue NE Storm Sewer
Storm Sewer CDIA
South River Drainage Basin Improvements
Sugar Creek Drainage Basin Improvements
Summerhill, Peoplestown/Mechanicsville/Vine City Drainage
Improvements

EROSION AND FLOOD CONTROL

GO-67	English Park Erosion & Flood Control
GO-68	Bitsy Grant Tennis Center Erosion & Flood Control
GO-69	Wesley Coan Park Erosion & Flood Control
GO-70	Cleveland Avenue Park Erosion & Flood Control
GO-71	Brownwood Park Erosion & Flood Control
GO-72	Grant Park Erosion & Flood Control
GO-73	Piedmont Park Erosion & Flood Control
GO-74	Winn Park Erosion & Flood Control
GO-75	Candler Park Erosion & Flood Control
G Q-76	Garden Hills Park Erosion & Flood Control:
GO-77	Frankie Allen Park Erosion & Flood Control
G O-78	Adams Park Erosion & Flood Control
GO-79	Perkerson Park Erosion & Flood Control
GO-80	Isabel Gates Webster Park Erosion & Flood Control
GO-81	Ben Hill Park Erosion & Flood Control
GO-82	Oakland Cemetery Wall Collapse

1994 Public Improvement Program List

SEWER SYSTEM IMPROVEMENTS

WSRE 1	North Fork Peachtree Trunk
WSRE 2	South Fork Peachtree Trunk
WSRE 3	Orme Street Trunk Relief Phases I, II, III & IV
WSRE 4	Peachtree Interceptor Sanitary Sewer
WSRE 5	Lloyd Street Trunk Sewer
WSRE 6	Shadowlawn Basin Sewer Replacements
WSRE 7	Fairmont/Glidden CSO
WSRE 8	Brotherton Trunk Replacement
WSRE 9	Butler Street Trunk Reconstruction
WSRE 10	Mineral Springs Trunk Sewer
WSRE 11	Pine Meadows Sewer Reconstruction
WSRE 12	Nancy Creek Force Main
WSRE 13	Tenth Street Trunk Sewers - SSES
WSRE 14	Atlantic Steel Sewer
WSRE 15	Utoy Creek Basin, Combined Sewer Separation
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EXHIBIT 1 (11/7/94 Amendment)

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AN ORDINANCE
BY CITY UTILITIES COMMITTEE

ORDINANCE TO AMEND **ORDINANCE** NO. AN 95-O-0504 CONCERNING THE COMPLETION OF PROJECTS DESIGNATED AS PART OF THE 1994 BOND AND SEWER CAPITAL IMPROVEMENT PROJECTS; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO, WHERE NECESSARY, UTILIZE CONDEMNATION PROCEEDINGS PURSUANT TO THE DECLARATIONS OF TAKING METHODAUTHORIZED BY ARTICLE 7 OF CHAPTER 3 OF TITLE 22 OF THE OFFICIAL CODE OF GEORGIA ANNOTATED TO ACQUIRE TITLE TO RIGHTS-OF-WAY, EASEMENTS, AND OTHER RELATED PROPERTY INTERESTS NECESSARY TO COMPLETE THE SEWER INFRASTRUCTURE PROJECTS AS PREVIOUSLY AUTHORIZED FOR THE TRANSPORTATION INFRASTRUCTURE PROJECTS; AND FOR OTHER PURPOSES.

WHEREAS, Ordinance 95-O-0504, adopted by the Atlanta City Council on June 19, 1995, and approved by the Mayor on June 25, 1995, authorized the Mayor, his designee, or the Purchasing Agent to negotiate with property owners to acquire necessary rights-of-way and temporary or permanent construction easements and other related property interests necessary to complete the infrastructure projects identified in Ordinance 95-O-0504, a copy of which is attached as hereto Exhibit "A" and incorporated by reference; and

WHEREAS, Ordinance 95-O-050 included findings that made it necessary to proceed with the declaration of taking as a method of condemnation, as authorized by O.C.G.A. Section 32-3-4, for construction of the infrastructure improvement projects listed in Ordinance 95-O-0504 which involved public roads or public transportation purposes; and

WHEREAS, Ordinance 95-O-0504 authorized the City Attorney, or her designee, to utilize, where necessary, condemnation proceedings pursuant to the declaration of taking method authorized by O.C.G.A. § 32-3-4 to acquire title to rights—of-way, easements, and other related property interests necessary for the construction of the infrastructure improvement projects listed in Ordinance 95-O-0504 which involved public roads or public transportation purposes; and

WHEREAS, as requested by the City of Atlanta in its 2000 legislative package, Chapter 3 of Title 22 of the Official Code of Georgia Annotated was amended by Senate Bill 343 of the 2000 Georgia State Legislature to allow the declaration of taking method of condemnation to be used for acquisition of private property for, among other things, public sewage collection, treatment, and disposal system purposes as provided in Article 1 of chapter 3 of Title 32 of the Official Code of Georgia Annotated; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That a finding is hereby made that circumstances are such that it is necessary to proceed with the declarations of taking as a method of condemnation, as authorized by O.C.G.A

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